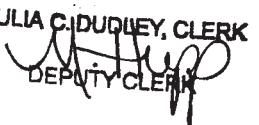


APR - 1 2015

JULIA C. DUDNEY, CLERK
BY: 
DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
DANVILLE DIVISION

UNITED STATES OF AMERICA

Case No. 4:08-cr-00025-2

v.

MEMORANDUM OPINION

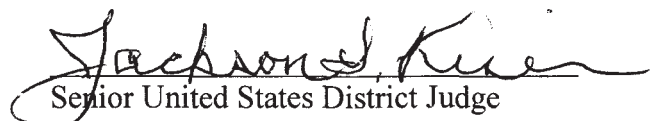
DEMETRIOUS OBRIEN CAMPBELL,
Petitioner.

By: Hon. Jackson L. Kiser
Senior United States District Judge

Demetrius Obrien Campbell, a federal inmate proceeding pro se, filed a letter that I construe as a motion to vacate, set aside or correct sentence, pursuant to 28 U.S.C. § 2255. Court records indicate that petitioner filed a prior § 2255 motion about the same conviction and/or sentence (ECF No. 108) that I already dismissed (ECF No. 121). Based on the issues presented, petitioner's construed § 2255 motion is a second or subsequent one under 28 U.S.C. § 2255(h). Cf. United States v. Hairston, No. 12-8096, 2014 U.S. App. LEXIS 10846, 2014 WL 2600057 (4th Cir. June 11, 2014).

A district court may consider a second or successive § 2255 motion only upon specific certification from a Court of Appeals that the claims in the motion meet certain criteria. 28 U.S.C. § 2255(h). As petitioner has not submitted any evidence of having obtained certification from the United States Court of Appeals for the Fourth Circuit to file a second or successive § 2255 motion, I dismiss the construed § 2255 motion without prejudice as successive. Based upon my finding that petitioner has not made the requisite substantial showing of denial of a constitutional right as required by 28 U.S.C. § 2253(c), a certificate of appealability is denied.

ENTER: This 1st day of April, 2015.


Senior United States District Judge